



Complaints Procedure Policy

Last reviewed: 05/07/2020 by Ashley Wells – Director

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Statement of intent

ABA Horizons aim to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of therapy possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff relating to any aspects of ABA Horizons or the provision of services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the Company provides. This policy outlines the procedure that the complainant and Company must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

1. Legal framework

1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Therapy (Independent Company Standards) Regulations 2014

1.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for company complaints procedures 2019'
- ESFA (2015) 'Creating an academy complaints procedure'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'



2. Definition

2.1. For the purpose of this policy, a “complaint” can be defined as ‘an expression of dissatisfaction, however made, about actions taken or a lack of action’.

2.2. Complaints can be resolved formally or informally dependent on the complainant’s choice.

2.3. A concern can be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought.’

2.4. All complaints and concerns will be taken seriously, whether formally or informally. and will follow the appropriate procedures.

3. Roles and responsibilities

3.1. The complainant will:

- Co-operate with the company in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

3.2. The CEO will nominate a complaints co-ordinator to support with any complaint, they will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely and retained in line with the Company’s Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the CEO, clerk and chair of the Local Governance Committee.
- Be aware of issues with regards to sharing third party information.
- Understand the complainant’s need for additional support, including interpretation support, and will be aware of any issues concerning this.



3.3. The investigator is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

3.4. The CEO will:

- Ensure that minutes of the meeting are taken.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of staff present has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the company the opportunity to state their case and seek clarity without undue interruption.



- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and complaints co-ordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

3.5. All persons present will be aware that:

- The review hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit in.

4. Making a complaint

The company will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the company's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.

4.1 Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.

4.2 The Company upholds a two-month time limit in which a complaint can be lodged regarding an incident.

4.3 Complaints made outside this time limit will not be automatically refused and exceptions will be considered.



4.4 In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

4.5 All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).

4.6 A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.

4.7 Any complaint made against a member of staff will be initially dealt with by the CEO, and then by a panel of the Local Governance Committee.

4.8 Any complaint made against the CEO shall be initially dealt with by a suitably skilled member of the Local Governance Committee agreed by the CEO and then by a committee as appointed by the CEO.

4.9 Any complaint made against the CEO shall be initially dealt with by a suitably skilled member of the Companyee agreed by the chair of Companyees and then by a committee as appointed by the Chair.

4.10 Any complaint made against the chair of governors, chair of Companyees or any other member of the Local Governance Committee or Companyees should be made in writing to the Company Secretary.

4.11 Any complaint made against the entire Local Governance Committee or Companyees, or complaints involving the chair and the vice chair or the associated committee, should be made in writing to the Company Secretary. The Company Secretary will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors or Companyees from another company or Company.

4.12 Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.

4.13 Information about a complaint will not be disclosed to a third party without written consent from the complainant.



Complaints procedure

Stage one – Informal concern made to a member of staff

4.14 A complaint may be made in person, by telephone or in writing.

4.15 The member of staff can discuss the complaint with the CEO or complaints co-ordinator in order to seek support.

4.16 In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are to be kept and a copy of any written response is added to the record. These notes are kept securely and, where appropriate, encrypted.

4.17 In cases where a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

4.18 Within 15 company days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

4.19 At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the company could have handled the situation better is not an admission of unlawful or negligent action.

4.20 If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Stage two – Formal complaint made to the CEO

4.21 Stage two of the process will be completed within 15 company days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the CEO will contact the complainant to inform them of the revised target date via a written notification.

4.22 An appointment with the CEO should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.

4.23 If the complaint is against the CEO, the complainant will initially need to write, in confidence, to the chair of the Local Governance Committee. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.

4.24 Where the CEO or chair of the Local Governance Committee has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in

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their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

4.25 Where there are communication difficulties, the complaint may be made in person or via telephone.

4.26 In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely and, where appropriate, encrypted.

4.27 In terms of a complaint being made against a member of staff, the CEO will discuss the issue with the staff member in question. Where necessary, the CEO will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

4.28 All discussions shall be recorded by the CEO and findings and resolutions will be communicated to the complainant either verbally or in writing.

4.29 Once all facts are established, the CEO shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process.

4.30 The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

4.31 Any further action the company plans to take to resolve the issue will be explained to the complainant in writing.

4.32 If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage three – Further investigation

4.33 The complainant should submit any complaint in respect of the CEO's investigation in writing (or via an alternative method if necessary) to the chair of governors.

4.34 The complainant and the CEO will be informed of the outcome within 20 company days of the chair of governors receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.

4.35 The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.



Stage four

4.36 Following receipt of a stage three outcome, the complaint should be made in writing to the chair of Companyees within 10 company days.

4.37 Where there are communication difficulties, the complaint may be made in person or via telephone.

4.38 In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely and, where appropriate, encrypted.

Final stage – Appeal

4.39 If a complainant has exhausted the Company's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the online form or in writing to:

Ministerial and Public Communications Division Department for Therapy
Piccadilly Gate
Store Street
Manchester M1 2WD

5. Interviewing witnesses

5.1. When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

5.3. The company understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

5.4. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

5.5. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

5.6. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

5.7. The interviewee will sign a copy of the transcription of the interview.



Recording a complaint

6.1. A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the company as a result of the complaint (regardless of whether the complaint was upheld).

6.2. All records are made available for inspection on the company premises by the proprietor and the CEO.

6.3. The company holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

6.4. Where there are communication difficulties or disabilities, the company may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

6.5. Recording devices will not be used without the prior consent of all parties.

6.6. The company will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

6.8. Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.

6.9. The company will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

7. Serial and persistent complainants

7.1. The company will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the company to reconsider their position.

7.2 If the complainant contacts the company regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the company does not have an obligation to respond.

7.3 The company must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.



7.4 The company will not take the decision to stop responding to an individual lightly. The company will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the company repeatedly with the same complaint.

7.5 If the company believes that the complainant is continuously contacting the company to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the company has the right to not respond to the correspondent.

7.6 Once the company decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

7.7 The complainant has the right to a third-party representative, such as Citizens' Advice Bureau, throughout the complaints procedure.

7.8 Any new complaint made by a 'serial' complainant will be responded to.

7.9 Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

Complaints campaigns

8.0 For the purposes of this policy, "complaints campaigns" are where the company receives large volumes of complaints that are all based on the same subject from complainants that are not connected to the company.

8.1 Where the company becomes the subject of a complaints campaign, a standard, single response will be published on the company's website.



Appendix A Policy for Unreasonable Complainants

ABA Horizons is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the company; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The company defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the company, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Seeks an unrealistic outcome.
- Makes excessive demands on company time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:



- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a company while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the CEO will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the CEO will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the company causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.